

REMARKS

Applicants respectfully acknowledge receipt of the Final Office Action mailed December 1, 2004. In that Office Action, the Examiner (1) rejected claim 44 under 35 U.S.C. § 112; (2) rejected claims 10-11, 16-17, 20-21, 30-42, and 44 as anticipated by or obvious over U.S. Patent 6,261,469 to Zakihdov et al.; and (3) indicated that claims directed to methods defining the particles formed as ellipsoidal particles having an aspect ratio of 1.47 to 5.0 would be deemed allowable.

§ 112 Rejection

Claim 44 has been amended to depend from claim 11. This cures the grounds for rejection of claim 44.

Rejection over Zakihdov et al

As suggested by the Examiner, Applicants have amended claims 10, 16, 30 to require that the particles formed in the pores of the porous polymer be “ellipsoidal particles having an aspect ratio between 1.47 and 5.0.” This amendment places the claims in condition for allowance.

Applicants have deleted the term “non-spherical” from step d) of each of claims 10 and 16 and respectfully note that the pores do not have to be deformed (non-spherical) at the time that the material is deposited into them, so long as they are deformed early enough to form non-spherical particles. In other words, the pores can be deformed and then filled, filled and then deformed, or deformed as they are filling. Support for this can be found in the original specification at page 33, lines 8-10, and page 35, lines 1-4.

Claims 20-21 have been canceled to avoid redundant claiming.

New Claims

The present amendments include new claims 45-50. Claims 45-48 correspond to claims 12-15, which were previously withdrawn and have now been canceled. Because they depend from an allowable base claim, claims 45-48 are also allowable. Likewise, claims 49-50 correspond to canceled claims 18-19, depend from an allowable base claim, and are allowable.

Conclusion

Applicants believe that the present amendments place the case in condition for allowance and therefore respectfully request that the Examiner enter the amendments and allow the case. If the Examiner has any questions or comments, or otherwise feels it would be advantageous, he is encouraged to telephone the undersigned at (713) 238-8043.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Marcella D. Watkins', written in dark ink.

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